

Executive Summary – Enforcement Matter – Case No. 49596
ExxonMobil Oil Corporation
RN102450756
Docket No. 2014-1641-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

ExxonMobil Beaumont Refinery, 1795 Burt Street, Beaumont, Jefferson County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2014-1766-AIR-E and 2014-0429-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 21, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$33,938

Amount Deferred for Expedited Settlement: \$6,787

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,576

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$13,575

Name of SEP: Southeast Texas Regional Planning Commission (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN102450756
Docket No. 2014-1641-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 16, 2014

Date(s) of NOE(s): October 24, 2014

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 75,548.14 pounds ("lbs") of carbon monoxide ("CO"), 4,976.77 lbs of nitrogen oxides ("NOx"), 2,784.40 lbs of sulfur dioxide ("SO₂"), and 354.65 lbs of volatile organic compounds ("VOC") from the Fluid Catalytic Cracking Unit ("FCCU") Scrubber Stack, Emissions Point Number ("EPN") 06STK_003, during an emissions event (Incident No. 201473) that began on July 24, 2014 and lasted 59 hours. This event occurred when the FCCU CO Boiler shut down due to a tube leak and the subsequent cooling action in the CO box inside the boiler. Consequently, the Selective Catalytic Reduction and the FCCU Continuous Emissions Monitoring System were bypassed in an effort to stabilize operations. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") Nos. 1, 65(B), and 65(C)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,844.06 lbs of VOC, 998.89 lbs of CO, 100.07 lbs of hydrogen sulfide ("H₂S"), 138.36 lbs of NOx, and 9,217.53 lbs of SO₂ from the FCCU Flare, EPN 60FLR_008, 12.74 lbs of VOC, 6.90 lbs of CO, 0.69 lb of H₂S, 0.96 lb of NOx, and 63.63 lbs of SO₂ from the High Pressure Flare, EPN 60FLR_003, and 13,689 lbs of CO, 5.34 lbs of NOx, and 8.88 lbs of SO₂ from the FCCU Scrubber Stack EPN 06STK_003, during an emissions event (Incident No. 201496) that occurred on July 27, 2014 and lasted 17 hours and 23 minutes. This event occurred when the Power Plant Console Shift Supervisor ("CSS") incorrectly moved the transformer taps causing Steam Turbine Generator ("STG") 34 to trip. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1].

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3. Failed to prevent unauthorized emissions. Specifically, the Respondent released 701 lbs of VOC from the FCCU Fugitive Area, EPN 06FUG_001, during an emissions event (Incident No. 202298) that occurred on August 13, 2014 and lasted three hours. This event occurred when the FCCU experienced overpressure conditions during its planned start-up due to the failure of process piping. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. 02000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By September 29, 2014, established and conducted a FCCU CSS training plan for abnormal events, added an oil permissive/interlock to prevent oil flow to the regenerator if inadequate air flow exists, and developed procedures for hot standby of the FCCU Regenerator in order to prevent a recurrence of emissions events due to the same cause as Incident No. 202298;
- b. By October 14, 2014, updated documentation to better clarify direction of tap movements when Volt Ampere Reactives (“VARs”) are negative, updated STG startup and shutdown procedures to include adjusting VARs, and provided one-on-one training to each CSS in order to prevent a recurrence of emissions events due to the same cause as Incident No. 201496; and
- c. By November 10, 2014, developed and implemented a procedure to convert the FCCU from partial to full burn operations, added boiler feed water and boiler blowdown water operating envelopes to monitoring tools, tightened existing alarms and set additional alarms for water monitoring parameters, and included all modified and new water monitoring tools and alarms into routine monitoring discussions in order to prevent a recurrence of emissions events due to the same cause as Incident No. 201473.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

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RN102450756
Docket No. 2014-1641-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-0779; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Fernando Salazar, Refinery Manager, ExxonMobil Oil Corporation, P.O. Box 3311, Beaumont, Texas 77704
Respondent's Attorney: N/A

Attachment A
Docket Number: 2014-1641-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Twenty-Seven Thousand One Hundred Fifty-One Dollars (\$27,151)
SEP Offset Amount:	Thirteen Thousand Five Hundred Seventy-Five Dollars (\$13,575)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640

ExxonMobil Oil Corporation
Agreed Order - Attachment A

- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	27-Oct-2014	Screening	3-Nov-2014	EPA Due	
	PCW	10-Jun-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	ExxonMobil Oil Corporation		
Reg. Ent. Ref. No.	RN102450756		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	49596	No. of Violations	3
Docket No.	2014-1641-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Farhaud Abbaszadeh
		EC's Team	Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$18,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 100.0% Enhancement **Subtotals 2, 3, & 7** \$18,750

Notes Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with a denial of liability, and five orders without a denial of liability.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** -\$3,562

Economic Benefit

Total EB Amounts \$235
Estimated Cost of Compliance \$18,500

0.0% Enhancement*
*Capped at the Total EB \$ Amount

Subtotal 6 \$0

Final Subtotal \$33,938

SUM OF SUBTOTALS 1-7

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%

Adjustment \$0

Notes

Final Penalty Amount \$33,938

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$33,938

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20.0%

Reduction

Adjustment -\$6,787

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$27,151

Screening Date 3-Nov-2014

Docket No. 2014-1641-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 4 (April 2014)

Case ID No. 49596

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	7	140%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	5	125%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 289%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, seven orders with a denial of liability, and five orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 289%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 3-Nov-2014
Respondent ExxonMobil Oil Corporation
Case ID No. 49596
Reg. Ent. Reference No. RN102450756
Media [Statute] Air
Enf. Coordinator Farhaud Abbaszadeh
Violation Number 1

Docket No. 2014-1641-AIR-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 122.143(4), and 101.20(3), Tex. Health & Safety Code § 382.085(b), Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") Nos. 1, 65(B), and 65(C)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 75,548.14 pounds ("lbs") of carbon monoxide ("CO"), 4,976.77 lbs of nitrogen oxides ("NOx"), 2,784.40 lbs of sulfur dioxide ("SO2"), and 354.65 lbs of volatile organic compounds ("VOC") from the Fluid Catalytic Cracking Unit ("FCCU") Scrubber Stack, Emissions Point Number ("EPN") 06STK_003, during an emissions event (Incident No. 201473) that began on July 24, 2014 and lasted 59 hours. This event occurred when the FCCU CO Boiler shut down due to a tube leak and the subsequent cooling action in the CO box inside the boiler. Consequently, the Selective Catalytic Reduction and the FCCU Continuous Emissions Monitoring System were bypassed in an effort to stabilize operations. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the Air Quality Analysis of the dispersion modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

3 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent completed corrective actions by November 10, 2014, after the October 24, 2014 Notice of Enforcement ("NOE").

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$169

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
Case ID No. 49596
Reg. Ent. Reference No. RN102450756
Media Air
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	24-Jul-2014	29-Oct-2014	0.27	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	24-Jul-2014	10-Nov-2014	0.30	\$149	n/a	\$149

Notes for DELAYED costs

Estimated cost to develop and implement a procedure to convert the FCCU from partial to full burn operations, add boiler feed water and boiler blowdown water operating envelopes to monitoring tools, tighten existing alarms and set additional alarms for water monitoring parameters, and include all modified and new water monitoring tools and alarms into routine monitoring discussions. The Date Required is the date the emissions event began. The Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,500

TOTAL

\$169

Screening Date 3-Nov-2014

Docket No. 2014-1641-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 4 (April 2014)

Case ID No. 49596

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 122.143(4), and 101.20(3), Tex. Health & Safety Code § 382.085(b), FOP No. O2000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 1,844.06 lbs of VOC, 998.89 lbs of CO, 100.07 lbs of hydrogen sulfide ("H2S"), 138.36 lbs of NOx, and 9,217.53 lbs of SO2 from the FCCU Flare, EPN 60FLR_008, 12.74 lbs of VOC, 6.90 lbs of CO, 0.69 lb of H2S, 0.96 lb of NOx, and 63.63 lbs of SO2 from the High Pressure Flare, EPN 60FLR_003, and 13,689 lbs of CO, 5.34 lbs of NOx, and 8.88 lbs of SO2 from the FCCU Scrubber Stack EPN 06STK_003, during an emissions event (Incident No. 201496) that occurred on July 27, 2014 and lasted 17 hours and 23 minutes. This event occurred when the Power Plant Console Shift Supervisor ("CSS") incorrectly moved the transformer taps causing Steam Turbine Generator ("STG") 34 to trip. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Based on the Air Quality Analysis of the dispersion modeling provided by the Respondent, human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions by October 14, 2014, prior to the October 24, 2014 NOE.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation
 Case ID No. 49596
 Reg. Ent. Reference No. RN102450756
 Media Air
 Violation No. 2

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5,000	27-Jul-2014	14-Oct-2014	0.22	\$54	n/a	\$54
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update documentation to better clarify direction of tap movements when Volt Ampere Reactives ("VARs") are negative, update STG start-up and shutdown procedures to include adjusting VARs, and provide one-on-one training to each CSS. The Date Required is the date the emissions event occurred. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$54

Screening Date 3-Nov-2014

Docket No. 2014-1641-AIR-E

PCW

Respondent ExxonMobil Oil Corporation

Policy Revision 4 (April 2014)

Case ID No. 49596

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102450756

Media [Statute] Air

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 116.715(a), 122.143(4), and 101.20(3), Tex. Health & Safety Code § 382.085(b), FOP No. O2000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 701 lbs of VOC from the FCCU Fugitive Area, EPN 06FUG_001, during an emissions event (Incident No. 202298) that occurred on August 13, 2014 and lasted three hours. This event occurred when the FCCU experienced overpressure conditions during its planned start-up due to the failure of process piping. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent completed corrective actions by September 29, 2014, prior to the October 24, 2014 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

Economic Benefit Worksheet

Respondent ExxonMobil Oil Corporation

Case ID No. 49596

Reg. Ent. Reference No. RN102450756

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
 No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	13-Aug-2014	18-Sep-2014	0.10	\$2	n/a	\$2
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	13-Aug-2014	29-Sep-2014	0.13	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to establish and conduct an FCCU CSS training plan for abnormal events, develop procedures for hot standby of the FCCU Regenerator, and add an oil permissive/Interlock to prevent oil flow to the regenerator if inadequate airflow exists. The Date Required is the date the emissions event occurred. The Final Dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$12

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Compliance History Report

PUBLISHED Compliance History Report for CN600920748, RN102450756, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600920748, ExxonMobil Oil Corporation **Classification:** SATISFACTORY **Rating:** 3.37

Regulated Entity: RN102450756, EXXONMOBIL BEAUMONT REFINERY **Classification:** SATISFACTORY **Rating:** 16.45

Complexity Points: 44 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 1795 BURT STREET BEAUMONT, TEXAS 77701-6312, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50139

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30587

AIR NEW SOURCE PERMITS REGISTRATION 10291
AIR NEW SOURCE PERMITS REGISTRATION 12139
AIR NEW SOURCE PERMITS REGISTRATION 13120
AIR NEW SOURCE PERMITS REGISTRATION 22999
AIR NEW SOURCE PERMITS REGISTRATION 26121
AIR NEW SOURCE PERMITS REGISTRATION 26860
AIR NEW SOURCE PERMITS REGISTRATION 26859
AIR NEW SOURCE PERMITS REGISTRATION 31227
AIR NEW SOURCE PERMITS REGISTRATION 33907
AIR NEW SOURCE PERMITS REGISTRATION 34963
AIR NEW SOURCE PERMITS REGISTRATION 40837
AIR NEW SOURCE PERMITS REGISTRATION 42730
AIR NEW SOURCE PERMITS REGISTRATION 42951
AIR NEW SOURCE PERMITS REGISTRATION 43433
AIR NEW SOURCE PERMITS REGISTRATION 44038
AIR NEW SOURCE PERMITS PERMIT 49138
AIR NEW SOURCE PERMITS REGISTRATION 102097
AIR NEW SOURCE PERMITS AFS NUM 4824500018
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX932
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768M1
AIR NEW SOURCE PERMITS REGISTRATION 54487
AIR NEW SOURCE PERMITS REGISTRATION 56428
AIR NEW SOURCE PERMITS REGISTRATION 75172
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX802
AIR NEW SOURCE PERMITS REGISTRATION 78516
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992M1
AIR NEW SOURCE PERMITS REGISTRATION 85876
AIR NEW SOURCE PERMITS REGISTRATION 87029
AIR NEW SOURCE PERMITS REGISTRATION 87499
AIR NEW SOURCE PERMITS REGISTRATION 90470
AIR NEW SOURCE PERMITS REGISTRATION 91409
AIR NEW SOURCE PERMITS REGISTRATION 90859
AIR NEW SOURCE PERMITS REGISTRATION 87985
AIR NEW SOURCE PERMITS REGISTRATION 90462
AIR NEW SOURCE PERMITS REGISTRATION 91236
AIR NEW SOURCE PERMITS REGISTRATION 89728
AIR NEW SOURCE PERMITS REGISTRATION 88089
AIR NEW SOURCE PERMITS REGISTRATION 87414

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990797714

AIR NEW SOURCE PERMITS PERMIT 7208

AIR NEW SOURCE PERMITS REGISTRATION 11306
AIR NEW SOURCE PERMITS REGISTRATION 12817
AIR NEW SOURCE PERMITS REGISTRATION 15261
AIR NEW SOURCE PERMITS REGISTRATION 24159
AIR NEW SOURCE PERMITS REGISTRATION 27000
AIR NEW SOURCE PERMITS REGISTRATION 27539
AIR NEW SOURCE PERMITS REGISTRATION 30543
AIR NEW SOURCE PERMITS REGISTRATION 33642
AIR NEW SOURCE PERMITS REGISTRATION 34543
AIR NEW SOURCE PERMITS REGISTRATION 37234
AIR NEW SOURCE PERMITS REGISTRATION 42051
AIR NEW SOURCE PERMITS REGISTRATION 42852
AIR NEW SOURCE PERMITS REGISTRATION 43132
AIR NEW SOURCE PERMITS REGISTRATION 43675
AIR NEW SOURCE PERMITS REGISTRATION 47175
AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE00671
AIR NEW SOURCE PERMITS REGISTRATION 114668
AIR NEW SOURCE PERMITS REGISTRATION 90127
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX768
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX992
AIR NEW SOURCE PERMITS REGISTRATION 72569
AIR NEW SOURCE PERMITS REGISTRATION 74552
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX799
AIR NEW SOURCE PERMITS REGISTRATION 92941
AIR NEW SOURCE PERMITS REGISTRATION 79641
AIR NEW SOURCE PERMITS REGISTRATION 86452
AIR NEW SOURCE PERMITS REGISTRATION 85990
AIR NEW SOURCE PERMITS REGISTRATION 88261
AIR NEW SOURCE PERMITS REGISTRATION 90845
AIR NEW SOURCE PERMITS REGISTRATION 90733
AIR NEW SOURCE PERMITS REGISTRATION 89878
AIR NEW SOURCE PERMITS REGISTRATION 89318
AIR NEW SOURCE PERMITS REGISTRATION 85988
AIR NEW SOURCE PERMITS REGISTRATION 90917
AIR NEW SOURCE PERMITS REGISTRATION 87903
AIR NEW SOURCE PERMITS REGISTRATION 90328
AIR NEW SOURCE PERMITS REGISTRATION 91148
AIR NEW SOURCE PERMITS REGISTRATION 88127

AIR NEW SOURCE PERMITS REGISTRATION 109236
AIR NEW SOURCE PERMITS REGISTRATION 115953
AIR NEW SOURCE PERMITS REGISTRATION 122157
AIR NEW SOURCE PERMITS REGISTRATION 109506
AIR NEW SOURCE PERMITS REGISTRATION 108669
AIR NEW SOURCE PERMITS REGISTRATION 108143
AIR NEW SOURCE PERMITS REGISTRATION 109660
AIR NEW SOURCE PERMITS REGISTRATION 116185
AIR NEW SOURCE PERMITS REGISTRATION 112352
AIR NEW SOURCE PERMITS REGISTRATION 114931
AIR NEW SOURCE PERMITS REGISTRATION 107282
AIR NEW SOURCE PERMITS REGISTRATION 115272
AIR NEW SOURCE PERMITS REGISTRATION 79540
AIR NEW SOURCE PERMITS REGISTRATION 118871
WASTEWATER PERMIT WQ0003426000
AIR OPERATING PERMITS PERMIT 1999
AIR OPERATING PERMITS ACCOUNT NUMBER JE0067I
AIR OPERATING PERMITS PERMIT 1998
AIR OPERATING PERMITS PERMIT 2041
AIR OPERATING PERMITS PERMIT 2043
AIR OPERATING PERMITS PERMIT 2045
AIR OPERATING PERMITS PERMIT 2047
AIR OPERATING PERMITS PERMIT 2049
AIR OPERATING PERMITS PERMIT 2000

STORMWATER PERMIT TXR05K942

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0067I

AIR NEW SOURCE PERMITS REGISTRATION 114782
AIR NEW SOURCE PERMITS REGISTRATION 109799
AIR NEW SOURCE PERMITS REGISTRATION 115389
AIR NEW SOURCE PERMITS REGISTRATION 108334
AIR NEW SOURCE PERMITS REGISTRATION 110725
AIR NEW SOURCE PERMITS REGISTRATION 109657
AIR NEW SOURCE PERMITS REGISTRATION 119373
AIR NEW SOURCE PERMITS REGISTRATION 108920
AIR NEW SOURCE PERMITS REGISTRATION 110699
AIR NEW SOURCE PERMITS REGISTRATION 118284
AIR NEW SOURCE PERMITS REGISTRATION 122640
AIR NEW SOURCE PERMITS REGISTRATION 127613
AIR NEW SOURCE PERMITS REGISTRATION 127353
AIR NEW SOURCE PERMITS REGISTRATION 108777
WASTEWATER EPA ID TX0118737
AIR OPERATING PERMITS PERMIT 1871
AIR OPERATING PERMITS PERMIT 1870
AIR OPERATING PERMITS PERMIT 2040
AIR OPERATING PERMITS PERMIT 2042
AIR OPERATING PERMITS PERMIT 2044
AIR OPERATING PERMITS PERMIT 2046
AIR OPERATING PERMITS PERMIT 2048
AIR OPERATING PERMITS ACCOUNT NUMBER JE0067I
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 12825
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 30587
POLLUTION PREVENTION PLANNING ID NUMBER
P00441

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 07, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 07, 2010 to January 07, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 06/04/2010 ADMINORDER 2009-1194-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov:24-hour Acute Biomonitoring Requirements PERMIT

Description: Failure to timely submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- 2 Effective Date: 10/15/2010 ADMINORDER 2010-0586-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02048, General Terms and Condition OP
FOP O-02048, Special Condition 11 OP
NSR Permit 19566, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits.
- 3 Effective Date: 11/15/2010 ADMINORDER 2010-0258-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-01998 General Terms and Conditions OP
FOP O-01998 Special Condition 15 OP
NSR Permit 19566, Special Condition 1 PERMIT
Description: Failed to maintain an emission rate below the allowable limit for CO from the Crude B Vacuum Heater [Emission Point Number ("EPN") 05STK_002], and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent exceeded the permitted rolling CO emission limit of 8.20 tpy during the January 1, 2007 through December 31, 2007 period by 15.26 tpy and during the January 1, 2008 through December 31, 2008 period by 12.92 tpy.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT
Description: Failed to maintain emission rates below the allowable limits for CO and sulfur dioxide ("SO2") from the Atmospheric Heater B1-A (EPN 36STK_002). Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on February 29, 2008, May 13, 2008, May 16, 2008, and June 11, 2008 with a total exceedance of 68.02 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 5.80 l
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT
Description: Failed to maintain emission rates below the allowable limits for CO and SO2 from the Atmospheric Heater B1-B (EPN 36STK_004). . Specifically, the Respondent exceeded the permitted CO emission limit of 18.72 lbs/hr on August 10, 2008 and January 18, 2009 with a total exceedance of 10.46 lbs. In addition, the permitted SO2 emission limit of 6.60 lbs/hr was exceeded on February 2, 2008 and February 3, 2008 with a total exceedance of 10.50 lbs.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:FOP O-02041, General Terms and Condition OP
FOP O-02041, Special Condition 13 OP
NSR Permit 49151, Special Condition 1 PERMIT
Description: Failed to maintain emission rates below the allowable limits for SO2 from the Vacuum Heater B-2 (EPN 36STK_006). Specifically, the Respondent exceeded the permitted SO2 emission limit of 2.48 lbs/hr on February 2, 2008, February 3, 2008, and March 2, 2008 with a total exceedance of 6.36 lbs.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

Classification: Moderate

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02045 General Terms and Conditions OP

FOP O-02045 Special Condition No. 13 OP

NSR Permit 49145, Special Condition 1 PERMIT

Description: Failed to comply with permitted emission limits. Specifically, during an emissions event (Incident No. 129619) that began on September 18, 2009, the Respondent failed to prevent a back-flow between the No. 1 Deethanizer Tower and No. 2 Deethanizer Tower, causing the unauthorized release of 7,957.50 lbs of propane, 21.20 lbs of ethylene, 63.50 lbs of propylene, 2,105 lbs of isobutane, 1,535.50 lbs of butane, 42.3 lbs of butene, 217.80 lbs of pentane, and 490.20 lbs of isopentane from the No. 1 De

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov:General Terms and Conditions OP

NSR 49151 SC 1 OP

Special Terms and Conditions No. 13 OP

Description: Failed to maintain emission rates below the allowable limits for SO₂ from the Vacuum Heater B-3 (EPN 36STK_007), as documented during an investigation conducted on November 20, 2009. Specifically, the Respondent exceeded the permitted SO₂ emission limit of 2.48 lbs/hr on February 2, 2008 and March 2, 2008 with a total exceedance of 2.34 lbs.

4

Effective Date: 03/19/2011 ADMINORDER 2010-1114-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02036 General Terms and Conditions OP

FOP O-02036, Special Condition 2F OP

Description: Failed to report an emissions event within 24 hours after the discovery. RE had an emissions event on January 9, 2010 that was not reported until January 11, 2010.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.102(a)(1)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:NSR PERMIT 49138, Special Condition 13 PERMIT

NSR Permit 49138, Special Condition 16 PERMIT

NSR Permit 49138, Special Condition 17 PERMIT

NSR Permit 49138, Special Condition 18 PERMIT

Spec. Cond. 13, 16, 17, 18 PERMIT

Description: Failed to maintain emission levels below 1.0 lb of PM per 1,000 lbs of coke burned.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:FOP O-02036, General Terms and Condition OP

FOP O-02036, Special Condition 11 OP

NSR Permit 49138, Special Condition 1 PERMIT

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

5

Effective Date: 10/02/2011 ADMINORDER 2011-0374-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:PSD-TX-768M1 PERMIT
PSD-TX-932 PERMIT

Special Condition 1 PERMIT
Special Condition 14 OP

Description: Failure to maintain emission rates below the allowable emission limits. EIC A8(c)(2)(A)(ii) MOD 2D

- 6 Effective Date: 10/27/2012 ADMINORDER 2012-0384-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Special Condition 1 PERMIT
Special Condition 11 OP
Special Condition 13 OP
Special Condition 7 OP
Description: Failed to prevent unauthorized emissions.
- 7 Effective Date: 06/03/2013 ADMINORDER 2012-2329-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 of NSR 49138 PERMIT
Description: Failed to prevent unauthorized emissions.
- 8 Effective Date: 12/19/2013 ADMINORDER 2012-1962-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 7 OP
Description: Failure to prevent unauthorized emissions during incident 168311.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 7 OP
Description: Failure to prevent unauthorized emissions during incident 168362.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 7 OP
Description: Failure to prevent unauthorized emissions during incident 169695.
- 9 Effective Date: 01/02/2014 ADMINORDER 2013-0809-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Special Condition 7 OP
Description: Failure to maintain emissions below the allowable emissions limit during incident 176095.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2(F) OP

Description: Failure to submit the initial report for incident 176095 within 24 hours of discovery.

10 Effective Date: 03/06/2014 ADMINORDER 2013-1364-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 7 OP

Description: Failure to maintain emissions below the allowable emissions limit during incident 180890.

11 Effective Date: 04/05/2014 ADMINORDER 2013-0587-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 7 OP

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 184,208.71 lbs of VOC, 152,471.22 lbs of CO, and 29,622.98 lbs of NOx from the Low Pressure Flare, EPN 60FLR_005, and 2,942.25 lbs of VOC, 1,810.02 lbs of CO, and 247.71 lbs of NOx from the High Pressure Flare, EPN 60FLR_003, during an avoidable emissions event (Incident No. 173638) that began on September 13, 2012 and lasted for 357 hours and 48 minutes.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 2(F) OP

Description: Failure to submit the initial report for incident 173638 within 24 hours of discovery.

12 Effective Date: 05/24/2014 ADMINORDER 2013-1906-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition 1 PERMIT

Special Condition 14 OP

Description: Failed to prevent unauthorized emissions. The Respondent released 30,405.55 pounds ("lbs") of volatile organic compounds and 33.96 lbs of sulfur dioxide from a vapor line in the Alky-2 Unit, during an avoidable emissions event (Incident No. 174745) that began on October 12, 2012 and lasted for 190 hours. The event occurred due to a leak on the inlet nozzle on the D2 Caustic Scrubber, caused by corrosion due to the composition of the process stream.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 19, 2010	(819504)
Item 2	February 24, 2010	(789976)
Item 3	March 22, 2010	(792703)
Item 4	April 14, 2010	(836078)
Item 5	April 26, 2010	(796278)

Item 6	May 07, 2010	(800781)
Item 7	May 19, 2010	(800571)
Item 8	May 20, 2010	(836079)
Item 9	May 26, 2010	(798629)
Item 10	June 21, 2010	(847869)
Item 11	June 22, 2010	(824891)
Item 12	July 12, 2010	(862277)
Item 13	August 15, 2010	(843986)
Item 14	August 17, 2010	(868889)
Item 15	August 18, 2010	(868888)
Item 16	September 02, 2010	(875747)
Item 17	October 12, 2010	(883318)
Item 18	October 18, 2010	(842428)
Item 19	October 29, 2010	(872164)
Item 20	November 10, 2010	(873621)
Item 21	November 12, 2010	(889719)
Item 22	November 15, 2010	(872170)
Item 23	December 15, 2010	(898089)
Item 24	December 31, 2010	(903989)
Item 25	January 03, 2011	(886717)
Item 26	February 12, 2011	(894965)
Item 27	February 22, 2011	(910870)
Item 28	February 28, 2011	(887885)
Item 29	March 06, 2011	(918136)
Item 30	March 17, 2011	(893018)
Item 31	March 31, 2011	(939845)
Item 32	April 07, 2011	(930462)
Item 33	April 15, 2011	(907888)
Item 34	April 18, 2011	(912915)
Item 35	April 26, 2011	(907669)
Item 36	April 27, 2011	(907221)
Item 37	June 10, 2011	(912391)
Item 38	June 13, 2011	(880219)
Item 39	June 28, 2011	(933481)
Item 40	June 30, 2011	(947258)
Item 41	July 19, 2011	(954516)
Item 42	August 05, 2011	(944985)
Item 43	August 11, 2011	(944157)
Item 44	August 15, 2011	(961099)
Item 45	August 16, 2011	(936712)
Item 46	August 28, 2011	(948634)
Item 47	September 08, 2011	(967185)
Item 48	October 07, 2011	(957505)
Item 49	October 12, 2011	(958107)
Item 50	October 13, 2011	(973154)
Item 51	November 28, 2011	(979292)
Item 52	November 30, 2011	(969907)
Item 53	December 09, 2011	(970433)
Item 54	January 13, 2012	(992486)
Item 55	January 17, 2012	(986122)
Item 56	January 20, 2012	(975676)
Item 57	January 25, 2012	(982065)
Item 58	February 13, 2012	(999793)
Item 59	February 17, 2012	(976135)
Item 60	February 20, 2012	(982393)
Item 61	February 29, 2012	(988041)
Item 62	March 09, 2012	(990394)
Item 63	March 12, 2012	(1005336)
Item 64	March 16, 2012	(981556)
Item 65	March 19, 2012	(994229)
Item 66	March 23, 2012	(989958)

Item 67	April 16, 2012	(997030)
Item 68	April 26, 2012	(1011911)
Item 69	May 14, 2012	(1018279)
Item 70	May 24, 2012	(1002874)
Item 71	May 25, 2012	(1007314)
Item 72	June 09, 2012	(1003331)
Item 73	June 14, 2012	(1026004)
Item 74	July 16, 2012	(1015552)
Item 75	July 19, 2012	(1033363)
Item 76	August 22, 2012	(1039886)
Item 77	September 17, 2012	(1048834)
Item 78	September 26, 2012	(1030855)
Item 79	September 28, 2012	(1035478)
Item 80	October 12, 2012	(1069740)
Item 81	October 13, 2012	(1028273)
Item 82	October 29, 2012	(1030544)
Item 83	November 07, 2012	(1037821)
Item 84	November 26, 2012	(1069741)
Item 85	December 05, 2012	(1050208)
Item 86	December 11, 2012	(1069742)
Item 87	December 27, 2012	(1042292)
Item 88	January 09, 2013	(1052506)
Item 89	January 15, 2013	(1082953)
Item 90	January 22, 2013	(1053439)
Item 91	January 30, 2013	(1053350)
Item 92	February 12, 2013	(1082952)
Item 93	February 13, 2013	(1056756)
Item 94	February 21, 2013	(1054877)
Item 95	March 12, 2013	(1091221)
Item 96	April 15, 2013	(1078465)
Item 97	April 17, 2013	(1097556)
Item 98	May 07, 2013	(1087422)
Item 99	May 09, 2013	(1108583)
Item 100	June 24, 2013	(1112155)
Item 101	June 27, 2013	(1094435)
Item 102	July 12, 2013	(1100381)
Item 103	July 18, 2013	(1119106)
Item 104	August 21, 2013	(1126864)
Item 105	September 16, 2013	(1131396)
Item 106	October 16, 2013	(1137145)
Item 107	October 29, 2013	(1128235)
Item 108	November 21, 2013	(1133261)
Item 109	November 25, 2013	(1133795)
Item 110	November 26, 2013	(1142566)
Item 111	December 05, 2013	(1133991)
Item 112	December 19, 2013	(1148987)
Item 113	January 16, 2014	(1144290)
Item 114	January 21, 2014	(1155078)
Item 115	February 07, 2014	(1162386)
Item 116	March 19, 2014	(1146969)
Item 117	March 21, 2014	(1169012)
Item 118	March 31, 2014	(1158477)
Item 119	April 02, 2014	(1114931)
Item 120	April 10, 2014	(1159399)
Item 121	April 18, 2014	(1176197)
Item 122	April 29, 2014	(1164491)
Item 123	April 30, 2014	(1164607)
Item 124	May 14, 2014	(1166503)
Item 125	May 16, 2014	(1182431)
Item 126	May 30, 2014	(1165252)
Item 127	June 05, 2014	(1171018)

Item 128	June 19, 2014	(1189314)
Item 129	July 09, 2014	(1179943)
Item 130	July 28, 2014	(1201276)
Item 131	August 22, 2014	(1187241)
Item 132	August 26, 2014	(1201277)
Item 133	September 12, 2014	(1195616)
Item 134	September 15, 2014	(1189289)
Item 135	September 16, 2014	(1184482)
Item 136	September 23, 2014	(1196240)
Item 137	October 03, 2014	(1196838)
Item 138	October 06, 2014	(1197202)
Item 139	October 24, 2014	(1214034)
Item 140	November 20, 2014	(1203987)
Item 141	December 08, 2014	(1210035)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	01/17/2014	(1138439)	CN600920748
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2386(b)(1)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 1(A) OP Special Condition 1(E) OP		
	Description:	Failure to submit the first compliance report per the requirements of 40 CFR Part 63 Subpart EEEE in a timely manner.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 106, SubChapter K 106.261(a)(7)(A) 30 TAC Chapter 106, SubChapter K 106.262(a)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 15 OP Special Condition 16 OP		
	Description:	Failure to submit PBR registration 30 TAC 106.261 and 262 for the NALCO tote in a timely manner.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 5C THSC Chapter 382 382.085(b) Special Condition 1(A) OP Special Condition 12 OP Special Condition 59(E) PERMIT		
	Description:	Failure to cap open-ended lines.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(c)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a) 5C THSC Chapter 382 382.085(b) Special Condition 1(A) OP Special Condition 12 OP Special Condition 59(H) PERMIT		
	Description:	Failure to make a first attempt to repair a leaking pump within 5 days.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 13 OP Special Condition 70 PERMIT		
	Description:	Failure to conduct the thermal oxidizer annual flow-meter calibration in 2012.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A)		

30 TAC Chapter 122, SubChapter B 122.146(1)

30 TAC Chapter 122, SubChapter B 122.146(5)(D)

5C THSC Chapter 382 382.085(b)

General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

2

Date: 01/23/2014 (1140355)

CN600920748

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter D 115.354(11)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 15 OP
Special Condition 59(E) PERMIT

Description: Failure to monitor a valve and two connectors within 15 and 30 days of being placed into service and failure to cap open-ended lines.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.354(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
Special Condition 1(A) OP
Special Condition 12 OP

Description: Failure to monitor a Pressure Relief Valve (PRV) in the wharf fugitive area within 24 hours of venting to the atmosphere.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Condition 10 PERMIT
Special Condition 1(A) OP
Special Condition 12 OP

Description: Failure to document visible emissions checks from the wharf flare from July 31, 2008, through October 23, 2013.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 12 OP
Special Condition 66(C) PERMIT

Description: Failure to change the carbon canister in the wharf area within four hours of breakthrough.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

3

Date: 04/11/2014 (1152210)

CN600920748

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.354(2)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 13 PERMIT
Special Condition 14 OP
Special Condition 16 OP
Special Condition 1A OP
Special Condition 59(F) PERMIT

Description: Failure to monitor valves and pumps in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Special Condition 16 OP

Description: Failure to maintain Nitrogen oxide (NOx) emissions from PTR3 reformer heaters H-3403 through H-3406, Emission Point Number (EPN) 27HTR#003, below allowable rates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Condition 14 OP
Special Condition 16 OP
Special Condition 1A OP
Special Condition 59(E) PERMIT

Description: Failure to cap open-ended lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(a)
40 CFR Part 60, Subpart VV 60.482-2
5C THSC Chapter 382 382.085(b)
Special Condition 13 PERMIT
Special Condition 16 OP
Special Condition 1A OP
Special Condition 59(G) PERMIT

Description: Failure to monitor pumps in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(f)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 13 PERMIT

Description: Failure to submit an accurate excess emissions and monitoring system performance report for this period. The facility failed to submit reports for the Fluidized Catalytic Converter Unit (FCCU) Sulfur dioxide (SO2)/Oxygen (O2) Continuous Emissions Monitoring System (CEMS), Emission Point Number (EPN): 06STK_003.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.103(a)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 16 PERMIT

Description: Failure to maintain CO emissions from the FCCU at 500 ppmvd as permitted by SC 16 of Permit 49138.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 13 OP
Special Condition 16 OP
Special Condition 17 OP
Special Condition 19 OP

Description: Failure to submit deviation reports and Permit Compliance Certifications for the period of August 1, 2013, through October 23, 2013, in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)

5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify Permit Compliance Certifications.

4

Date: 08/28/2014 (1191444) CN600920748

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(C)
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to submit the deviation report and Permit Compliance Certification for the period of August 1, 2013, through October 23, 2013, in a timely manner.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)
5C THSC Chapter 382 382.085(b)
Special Condition 15(H) PERMIT
Special Condition 7 OP

Description: Failure to maintain Hydrogen Sulfide (H2S) concentration below 162 parts per million (ppm).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 13 OP
Special Condition 59(E) PERMIT

Description: Failure to monitor components within 15 days of being placed in service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
30 TAC Chapter 115, SubChapter B 115.112(a)(2)(B)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 1(A) PERMIT

Description: Failure to comply with the Volatile Organic Compounds (VOC) requirements per 30 TAC Chapter 115.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify Permit Compliance Certifications.

5

Date: 08/29/2014 (1190876) CN600920748

Self Report? NO Classification: Moderate

Citation: PC No. 2(g), Pg. 7 PERMIT

Description: Failure by Exxon Mobil Corporation (Exxon), to prevent the unauthorized discharge of wastewater or any other waste into or adjacent to water in the state at any location not permitted as an outfall.

6

Date: 09/26/2014 (1196532) CN600920748

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 11 OP
Special Condition 73 PERMIT

Description: Failure to calibrate the pressure monitoring device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 14 PERMIT
Special Condition 60(C) PERMIT

Description: Failure to conduct NH3 and H2S monitoring every four hours and record the date and time of these inspections.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
30 TAC Chapter 122, SubChapter B 122.146(1)
30 TAC Chapter 122, SubChapter B 122.146(5)(D)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP

Description: Failure to report all instances of deviations and accurately certify the Permit Compliance Certification.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXONMOBIL OIL
CORPORATION
RN102450756**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1641-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ExxonMobil Oil Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 1795 Burt Street in Beaumont, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 29, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirty-Three Thousand Nine Hundred Thirty-Eight Dollars (\$33,938) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Thirteen

Thousand Five Hundred Seventy-Six Dollars (\$13,576) of the administrative penalty and Six Thousand Seven Hundred Eighty-Seven Dollars (\$6,787) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Thirteen Thousand Five Hundred Seventy-Five Dollars (\$13,575) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. By September 29, 2014, established and conducted a Fluid Catalytic Cracking Unit ("FCCU") Console Shift Supervisor ("CSS") training plan for abnormal events, added an oil permissive/interlock to prevent oil flow to the regenerator if inadequate air flow exists, and developed procedures for hot standby of the FCCU Regenerator in order to prevent a recurrence of emissions events due to the same cause as Incident No. 202298;
 - b. By October 14, 2014, updated documentation to better clarify direction of tap movements when Volt Ampere Reactives ("VARs") are negative, updated Steam Turbine Generator ("STG") startup and shutdown procedures to include adjusting VARs, and provided one-on-one training to each CSS in order to prevent a recurrence of emissions events due to the same cause as Incident No. 201496; and
 - c. By November 10, 2014, developed and implemented a procedure to convert the FCCU from partial to full burn operations, added boiler feed water and boiler blowdown water operating envelopes to monitoring tools, tightened existing alarms and set additional alarms for water monitoring parameters, and included all modified and new water monitoring tools and alarms into routine monitoring discussions in order to prevent a recurrence of emissions events due to the same cause as Incident No. 201473.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), Federal Operating Permit ("FOP") No. O2000, Special Terms and Conditions ("STC") No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, Special Conditions ("SC") Nos. 1, 65(B), and 65(C), as documented during a record review conducted on October 16, 2014. Specifically, the Respondent released 75,548.14 pounds ("lbs") of carbon monoxide ("CO"), 4,976.77 lbs of nitrogen oxides ("NOx"), 2,784.40 lbs of sulfur dioxide ("SO2"), and 354.65 lbs of volatile organic compounds ("VOC") from the FCCU Scrubber Stack, Emissions Point Number ("EPN") 06STK_003, during an emissions event (Incident No. 201473) that began on July 24, 2014 and lasted 59 hours. This event occurred when the FCCU CO Boiler shut down due to a tube leak and the subsequent cooling action in the CO box inside the boiler. Consequently, the Selective Catalytic Reduction and the FCCU Continuous Emissions Monitoring System were bypassed in an effort to stabilize operations. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1, as documented during a record review conducted on October 16, 2014. Specifically, the Respondent released 1,844.06 lbs of VOC, 998.89 lbs of CO, 100.07 lbs of hydrogen sulfide ("H2S"), 138.36 lbs of NOx, and 9,217.53 lbs of SO2 from the FCCU Flare, EPN 60FLR_008, 12.74 lbs of VOC, 6.90 lbs of CO, 0.69 lb of H2S, 0.96 lb of NOx, and 63.63 lbs of SO2 from the High Pressure Flare, EPN 60FLR_003, and 13,689 lbs of CO, 5.34 lbs of NOx, and 8.88 lbs of SO2 from the FCCU Scrubber Stack EPN 06STK_003, during an emissions event (Incident No. 201496) that occurred on July 27, 2014 and lasted 17 hours and 23 minutes. This event occurred when the Power Plant CSS incorrectly moved the transformer taps causing STG 34 to trip. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.
3. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.715(a), 122.143(4), and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), FOP No. O2000, STC No. 18, and Flexible Permit Nos. 49138, PSDTX768M1, PSDTX799, PSDTX802, PSDTX932, and PSDTX992M1, SC No. 1, as documented during a record review conducted on October 16, 2014. Specifically, the Respondent released 701 lbs of

VOC from the FCCU Fugitive Area, EPN 06FUG_001, during an emissions event (Incident No. 202298) that occurred on August 13, 2014 and lasted three hours. This event occurred when the FCCU experienced overpressure conditions during its planned start-up due to the failure of process piping. Since the emissions event could have been avoided with better operation and maintenance practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ExxonMobil Oil Corporation, Docket No. 2014-1641-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Thirteen Thousand Five Hundred Seventy-Five Dollars (\$13,575) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ramon Manrique
For the Executive Director

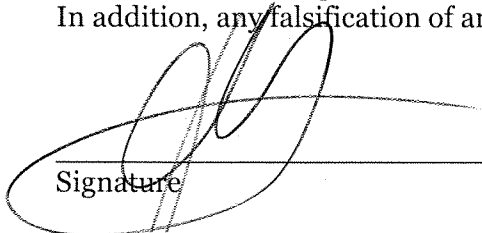
11/3/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

07/27/15
Date

Fernando G. Sabzar

Name (Printed or typed)
Authorized Representative of
ExxonMobil Oil Corporation

Refinery Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2014-1641-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	ExxonMobil Oil Corporation
Penalty Amount:	Twenty-Seven Thousand One Hundred Fifty-One Dollars (\$27,151)
SEP Offset Amount:	Thirteen Thousand Five Hundred Seventy-Five Dollars (\$13,575)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission
Project Name:	Meteorological and Air Monitoring Network
Location of SEP:	Jefferson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Southeast Texas Regional Planning Commission** for the *Meteorological and Air Monitoring Network* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate, maintain, and potentially expand the existing Southeast Texas Regional Air Monitoring Network which includes nine monitoring stations currently at the following locations:

- Beaumont CAM#2
- Cove School CAM #C695
- Mauriceville CAM#642
- Port Arthur (Motiva) Industrial Site CAM #C628
- Port Arthur Memorial High School campus CAM #C689
- Port Neches CAM #136
- Sabine Pass CAM #C640

ExxonMobil Oil Corporation
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- Southeast Texas Regional Airport CAM #C643
- West Orange CAM #C9

Operation and maintenance of the ambient air monitoring stations includes canister sampling and gas chromatographs. Ancillary equipment includes sample conditioning systems, meteorological towers, climate controlled equipment shelters, a remote communications system, and electronic data logging capability. Ambient monitoring protocols have been and will continue to conform to applicable TCEQ or U.S. Environmental Protection Agency guidelines. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

Particulate matter, sulfides, oxides of nitrogen, volatile organic carbon compounds, and ambient air conditions are measured at the stations and the data are made accessible to TCEQ and the public. Sites may also provide continuous assessment of benzene, 1, 3-butadiene and styrene. This monitoring was not previously covered by existing ambient air monitoring systems.

Continued monitoring in this area of the community will help better understand air quality pollutants and will enable better identification of emission sources. The data will focus on specific chemicals that may raise air quality concerns.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Southeast Texas Regional Planning Commission SEP** and shall mail the contribution with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Attention: Bob Dickinson, Director
2210 Eastex Freeway
Beaumont, Texas 77703-4929

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

ExxonMobil Oil Corporation
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.